

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARCUS JARROD PAYNE,

Plaintiff,

v.

THE ANTHONY SCOTT LAW FIRM
PLLC a/k/a BRENDETTA ANTHONY
SCOTT and STACY ELEY (PAYNE),

Defendants.

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CIVIL ACTION NO. 3:22-cv-2926-M

**DEFENDANT STACY ELEY’S MOTION TO DISMISS
AND FOR DETERMINATION OF VEXATIOUS LITIGANT**

TO THE HONORABLE COURT:

Defendant Stacy Eley, one of the Defendants in this case, moves to dismiss Plaintiff’s Complaint.¹

1. Defendant Stacy Eley moves to dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because all facts, taken as true, reflect judicially privileged conduct for which a cause of action cannot arise as a matter of law.

2. Defendant Stacy Eley alternatively moves to dismiss Plaintiff Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because it fails to state a claim on which relief can be granted.

3. Defendant Stacy Eley alternatively moves to dismiss Plaintiff Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because it does not allege a cognizable cause of action.

¹ Plaintiff moved for leave to file at least two amended complaints. The Court has not granted those motions. Defendant therefore moves to dismiss the original, live complaint in this matter.

Defendant Stacy Eley adopts co-Defendant's The Anthony Scott Law Firm PLLC's motion to dismiss and supporting authorities pursuant to Federal Rule of Civil Procedure 10(c) on this point.

4. Defendant Stacy Eley requests a determination declaration Plaintiff a vexatious litigant with a finding that Plaintiff not be allowed to make any filings in a United States federal court (appellate, district or bankruptcy) without first obtaining the permission of this Court.

WHEREFORE, PREMISES CONSIDERED, Defendant Stacy Eley respectfully requests that the Court dismiss Plaintiff's Complaint, declare Plaintiff a vexatious litigation, and for such other relief as the Court deems appropriate.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT STACY ELEY

CERTIFICATE OF SERVICE

This is to certify that on the 22nd day of February, a true and correct copy of the foregoing was served by electronic mail on Plaintiff and all counsel of record via the Court's ECF system.

/s/ Jim McCown
James M. McCown